

2005 DRAFTING REQUEST

Bill

Received: **11/23/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2288**

By/Representing: **Rhodes**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**
Mental Health - miscellaneous

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Rhodes, BB0271 -

Topic:

Transfer PATH Program to Department of Commerce

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 12/05/2004	jdyer 12/16/2004		_____			S&L
/1			pgreensl 12/16/2004	_____	lnorthro 12/16/2004		S&L
/2	dkennedy 12/23/2004	jdyer 12/28/2004	rschluet 12/28/2004	_____	lnorthro 12/28/2004		

FE Sent For:

<END>

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/?	dkennedy 12/05/2004	jdye 12/16/2004		_____			S&L
/1		12/13/28 jld	pgreensl 12/16/2004	_____	lnorthro 12/16/2004		

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/?	dkennedy	1/12/16 jld	12/14 ps	12/14 ps			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Transfer PATH Program to Commerce
- Tracking Code: BB0271
- SBO team: Health & Insurance
- SBO analyst: Rhodes
 - Phone: 6-2288
 - Email: dennis.rhodes@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: ~~6-5380~~ 435



Department of Health and Family Services
2005-2007 Biennial Budget Statutory Language Request
November 22, 2004

Repeal s. 20.435(7)(ce) Services for Homeless Individuals

Current Language

s. 20.435 (7)(ce) *Services for homeless individuals.* The amounts in the schedule for services for homeless individuals.

Proposed Change

The Department proposes the repeal of s. 20.435(7)(ce). A budget issue paper proposes the transfer of the program funded by this appropriation to the Department of Commerce.

Effect of the Change

The repeal of this appropriation will reflect the organizational change of consolidating services for homeless individuals into one state department, the Department of Commerce.

Rationale for the Change

Currently the Projects for Assistance in Transition from Homelessness (PATH) Program is administered by the Department of Health and Family Services to provide services to homeless mentally ill persons. Resources for homeless persons will be better coordinated and administered by consolidating funds and administration of programs for homeless individuals within one Department.

Desired Effective Date:	Upon passage.
Agency:	DHFS
Agency Contact:	Cindy Daggett
Phone:	266-5380

Kennedy, Debora

From: Rhodes, Dennis
Sent: Tuesday, November 23, 2004 3:05 PM
To: Daggett, Cynthia
Cc: Kennedy, Debora
Subject: FW: Statutory Language Drafts

I intended to cc: Debora on this post.

-----Original Message-----

From: Rhodes, Dennis
Sent: Tuesday, November 23, 2004 3:02 PM
To: Daggett, Cynthia
Subject: RE: Statutory Language Drafts

Cindy

Debora Kennedy is working on the PATH transfer... but is wondering if language related to PATH under 46.972 should be moved under a chapter in the statutes that deals with Commerce's housing programs for the homeless? Would that move create problems for DHFS?

Thanks,

Dennis

-----Original Message-----

From: Daggett, Cynthia
Sent: Monday, November 22, 2004 11:08 AM
To: Jablonsky, Sue; Johnston, James; Rhodes, Dennis
Cc: Bove, Fredi-Ellen
Subject: Statutory Language Drafts

I have not received the drafts on two pieces of proposed statutory language.

1. Amend 20.435(1)(kx) - minor change to correct existing language.
2. Related to DIN 5622 - transfer PATH to Department of Commerce and repeal related Chapter 20 reference 20.435(7)(ce). Renumber to DOC?

The write-ups are attached.

Kennedy, Debora

From: Kennedy, Debora
Sent: Wednesday, November 24, 2004 10:14 AM
To: Rhodes, Dennis
Subject: RE: Statutory Language Drafts

Dennis--

The only statutory change in the DHFS request is a repeal of s. 20.435 (7) (ce), stats. I cannot tell from that what DHFS wants to do. The following is what I need answered before I can proceed:

PATH has two parts; the mental health services part (s. 46.972 (3), stats.) is funded from the appropriation account under s. 20.435 (7) (ce), stats., and the primary health services part (s. 46.972 (2), stats.), is funded from an appropriation account under s. 20.435 (5) (ce), stats. Does DHFS intend that both parts of PATH be transferred to the Dept. of Commerce? If so, these provisions should be renumbered to appropriate statutory areas for the Department of Commerce (probably ss. 20.143 (2) and 560.9811) and amended, if appropriate. On the other hand, since the material DHFS has proposed affects only one part of PATH, is it DHFS' intent to affect only the mental health services part?

It seems odd that the Department of Commerce would be engaged in dealing with grants to providers of primary health services and mental health services, which is the result if all of PATH is moved to that department, but that is a policy issue, not a drafting issue.

Would it be possible for you to convey my questions about DHFS' intent to Cindy Daggett?

Thanks very much,
Debora

-----Original Message-----

From: Rhodes, Dennis
Sent: Tuesday, November 23, 2004 3:05 PM
To: Daggett, Cynthia
Cc: Kennedy, Debora
Subject: FW: Statutory Language Drafts

I intended to cc: Debora on this post.

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Dennis

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1. Amend 20.435(1)(kx) - minor change to correct existing language.
2. Related to DIN 5622 - transfer PATH to Department of Commerce and repeal related Chapter 20 reference 20.435(7)(ce). Renumber to DOC?

The write-ups are attached.

Kennedy, Debora

From: Rhodes, Dennis
Sent: Friday, December 03, 2004 3:22 PM
To: Kennedy, Debora
Subject: FW: FW: Statutory Language Drafts

Debora,

A response from DHFS on the question of transferring PATH to Commerce. Does it help?

Thanks,

Dennis R.
266-2288

DHFS Response:

It is the intent of DHFS that only s. 46.972(3) Mental Health Services be transferred as the PATH Program to the Department of Commerce. The funding identified in s. 46.972(2)(b) refers to funding received directly by DPH and is not passed through DDES as part of their PATH Program.

Please let me know if you have other questions.

Donna

-----Original Message-----

From: Dunkel, Donna
Sent: Friday, December 03, 2004 3:18 PM
To: Rhodes, Dennis
Cc: Allen, Joyce; Connor, Tim; Bove, Fredi-Ellen; Daggett, Cynthia
Subject: Re: FW: Statutory Language Drafts

Questions from LRB:

The only statutory change in the DHFS request is a repeal of s. 20.435 (7) (ce), stats. I cannot tell from that what DHFS wants to do. The following is what I need answered before I can proceed:

PATH has two parts; the mental health services part (s. 46.972 (3), stats.) is funded from the appropriation account under s. 20.435 (7) (ce), stats., and the primary health services part (s. 46.972 (2), stats.), is funded from an appropriation account under s. 20.435 (5) (ce), stats. Does DHFS intend that both parts of PATH be transferred to the Dept. of Commerce? If so, these provisions should be renumbered to appropriate statutory areas for the Department of Commerce (probably ss. 20.143 (2) and 560.9811) and amended, if appropriate. On the other hand, since the material DHFS has proposed affects only one part of PATH, is it DHFS' intent to affect only the mental health services part?

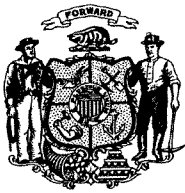
It seems odd that the Department of Commerce would be engaged in dealing with grants to providers of primary health services and mental health services, which is the result if all of PATH is moved to that department, but that is a policy issue, not a drafting issue.

DHFS Response:

It is the intent of DHFS that only s. 46.972(3) Mental Health Services be transferred as the PATH Program to the Department of Commerce. The funding identified in s. 46.972(2)(b) refers to funding received directly by DPH and is not passed through DDES as part of their PATH Program.

..
.. Please let me know if you have other questions.

Donna
..



In edit 12/17
State of Wisconsin
2005 - 2006 LEGISLATURE

D-NOTE

12/17

LRB-0976/81

DAK:.....

jld

DOA:.....Rhodes, BB0271 - Transfer PATH Program to Department of Commerce

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT ✓

* BUILDINGS AND SAFETY ✓

Under current law, DHFS ✓ administers a program to provide mental health services to homeless individuals with chronic mental illness. This bill transfers the program to the Department of Commerce. ✓

HEALTH AND HUMAN SERVICES ✓

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES ✓

Under current law, DHFS may allocate up to \$45,000 ✓ in general purpose revenues in each fiscal year, on a matching basis, to public or nonprofit ✓ private entities to provide mental health services specified under federal law to homeless individuals with chronic mental illness. ✓

This bill transfers to the Department of Commerce the program under which general purpose revenues are allocated to provide mental health services to homeless individuals with chronic mental illness.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Primary health

I

SECTION 1. 20.435 (5) (ce) of the statutes is amended to read:

20.435 (5) (ce) *Services* for homeless individuals. As a continuing appropriation, the amounts in the schedule for services for homeless individuals under s. 46.972 (2).

primary health

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327.

SECTION 2. 20.435 (7) (ce) of the statutes is renumbered 20.143 (2) (fr) and

amended to read:

mental health

Mental health

20.143 (2) (fr) *Services* for homeless individuals. The amounts in the schedule for services for homeless individuals under s. 46.972 (3) 560.9811.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 46.972 (2) of the statutes is renumbered 46.972.

SECTION 4. 46.972 (3) of the statutes is renumbered 560.9811 and amended to read:

560.9811 Mental health services. (1) In this subsection section, "chronic mental illness" has the meaning given in s. 51.01 (3g).

awarded

1 (2) From the appropriation under s. ~~20.435 (7) (ee)~~ 20.143 (2) (fr), the
2 department may not ^{plain} ~~allocate~~ award more than \$45,000 in each fiscal year to applying
3 public or nonprofit private entities for the costs of providing certain mental health
4 services to homeless individuals with chronic mental illness. Entities that receive
5 funds ~~allocated~~ by the department under this subsection shall provide the mental
6 health services required under 42 USC 290cc-24. The amount that the department
7 ~~allocates~~ to an applying entity may not exceed 50% of the amount of matching funds
8 required under 42 USC 290cc-23. awards

History: 1989. a. 31; 1991 a. 39, 189; 1993 a. 16; 1997 a. 27; 2001 a. 16.

SECTION 9121. Nonstatutory provisions; health and family services.

9
10 (1) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS. [ⓐ] (a) *Assets*
11 *and liabilities*. On the effective date of this paragraph, the assets and liabilities of
12 the department of health and family services primarily related to mental health
13 services for homeless individuals under section 46.972 (3) of the statutes, as affected
14 by this act, as determined by the secretary of administration, shall become the assets
15 and liabilities of the department of commerce.

16 (b) *Tangible personal property*. On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of health and family
18 services that is primarily related to mental health services for homeless individuals
19 under section 46.972 (3) of the statutes, as affected by this act, as determined by the
20 secretary of administration, is transferred to the department of commerce.

21 (c) *Contracts*. All contracts entered into by the department of health and family
22 services in effect on the effective date of this paragraph that are primarily related
23 to mental health services for homeless individuals under section 46.972 (3) of the
24 statutes, as affected by this act, as determined by the secretary of administration,

1 remain in effect and are transferred to the department of commerce. ✓ The department
2 of commerce shall carry out any obligations under such a contract until the contract
3 is modified or rescinded by the department of commerce to the extent allowed under
4 the contract. (S) ✓

(5) (d) Rules and orders. ✓ All rules promulgated by the department of health and
6 family services that are in effect on the effective date of this paragraph ✓ that are
7 primarily related to mental health services for homeless individuals under section
8 46.972 (3) of the statutes, as affected by this act, remain in effect until their specified
9 expiration date or until amended or repealed by the department of commerce. All
10 orders issued by the department of health and family services that are in effect on
11 the effective date of this paragraph that are primarily related to mental health
12 services for homeless individuals under section 46.972 (3) of the statutes, as affected
13 by this act, remain in effect until their specified expiration date or until modified or
14 rescinded by the department of commerce.

15 (END)

D - NOTE

↓

✓
(INSERT 2-4)

**** BUD NOTE

(end ins)

INSERT 2-8

Section #. 46.972 (title) ✓ of the statutes is amended to read:

46.972 (title) Primary health ← (B) ~~Services~~ for homeless individuals.

History: 1989. a. 31; 1991 a. 39, 189; 1993 a. 16; 1997 a. 27; 2001 a. 16.

(#) Section #. RP; 46.972 (2) (title) ✓

(end ins 2-8)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0976/dn
DAK:.....

JLd

To Dennis Rhodes:

Note that I have changed "allocate" to "award" in the treatment of s. 46.972 (3) (b), stats.; generally, "allocate" is interpreted to mean "earmark," rather than "award" or "distribute." Okay?

Do you want these provisions to be effective retroactively on July 1, 2005?

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0976/1dn
DAK:jld:pg

December 16, 2004

To Dennis Rhodes:

Note that I have changed "allocate" to "award" in the treatment of s. 46.972 (3) (b), stats.; generally, "allocate" is interpreted to mean "earmark," rather than "award" or "distribute." Okay?

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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Rhodes, Dennis
Sent: Tuesday, December 21, 2004 2:49 PM
To: Kennedy, Debora
Subject: RE: FW: LRB Draft: 05-0976/1 Transfer PATH Program to Department of Commerce

I apologize for that Debora.

20.435(6)(m) →

1) There is 1.0 FED FTE position, the PATH Coordinator, who is responsible for overseeing the PATH and Shelter Plus Care programs. This position is also responsible for policy development and technical assistance on all issues relating to persons who are homeless and have a serious mental illness. Oversight activities include monitoring the expenditure of PATH funds, consulting on specific problems or issues, conducting annual site visits, providing information and providing skills training

2) The incumbent will be transferred.

3) The incumbent is in the classified service.

Is that enough to go on?

-----Original Message-----

From: Kennedy, Debora [mailto:Debora.Kennedy@legis.state.wi.us]
Sent: Tuesday, December 21, 2004 2:31 PM
To: Rhodes, Dennis
Subject: RE: FW: LRB Draft: 05-0976/1 Transfer PATH Program to Department of Commerce

The proposal never indicated that positions were to be transferred. If they are, I need to know: (1) The exact number of positions; (2) Whether the incumbent employees holding the positions are to be transferred; and (3) If (2) applies, whether the incumbent employees are in the classified service (in which case, I will draft boilerplate about preserving their status). There should be no problem with making the transfer retroactively effective to July 1.

-----Original Message-----

From: Rhodes, Dennis
Sent: Tuesday, December 21, 2004 2:03 PM
To: Kennedy, Debora
Cc: Percy, Doug
Subject: RE: FW: LRB Draft: 05-0976/1 Transfer PATH Program to Department of Commerce

Debora,

After looking at this draft staff at the Commerce Department recalled that there is usually standard language included when positions are moving from one agency to another. Is that language needed here?

Also, can we make the move effective retroactive to July 1st? The position in question will in reality already be at Commerce through a MOU between the agencies.

Thanks,

Dennis

-----Original Message-----

From: Rhodes, Dennis
Sent: Monday, December 20, 2004 11:43 AM
To: Kennedy, Debora

Cc: Percy, Doug
Subject: FW: FW: LRB Draft: 05-0976/1 Transfer PATH Program to
Department of Commerce

-----Original Message-----

From: Dunkel, Donna
Sent: Monday, December 20, 2004 11:37 AM
To: Rhodes, Dennis
Cc: Percy, Doug; Bove, Fredi-Ellen; Daggett, Cynthia
Subject: Re: FW: LRB Draft: 05-0976/1 Transfer PATH Program to
Department of Commerce

DHFS is good to go on this language.

Donna

>>> Rhodes, Dennis 12/16/04 11:33AM >>>
Let me know about the effective date.

-----Original Message-----

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]
Sent: Thursday, December 16, 2004 11:22 AM
To: Rhodes, Dennis
Cc: Johnston, James; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason,
Monica
Subject: LRB Draft: 05-0976/1 Transfer PATH Program to Department of
Commerce

Following is the PDF version of draft 05-0976/1.

Kennedy, Debora

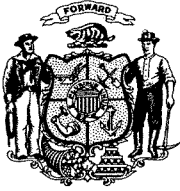
From: Rhodes, Dennis
Sent: Thursday, December 23, 2004 9:14 AM
To: Kennedy, Debora
Subject: PATH position

Debora,

Commerce wants the PATH position to end up under appropriation 143(2)(m).

Thanks,

Dennis



1 In edit 12/23

State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0976/2

DAK:jld:pg

due 12/30

DOA:.....Rhodes, BB0271 - Transfer PATH Program to Department of Commerce

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

LPS-check auto
refs

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, DHFS administers a program to provide mental health services to homeless individuals with chronic mental illness. This bill transfers the program to the Department of Commerce.

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may allocate up to \$45,000 in general purpose revenues in each fiscal year, on a matching basis, to public or nonprofit private entities to provide mental health services specified under federal law to homeless individuals with chronic mental illness.

This bill transfers to the Department of Commerce the program under which general purpose revenues are allocated to provide mental health services to homeless individuals with chronic mental illness.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (5) (ce) of the statutes is amended to read:

2 20.435 (5) (ce) *Services Primary health for homeless individuals.* As a
3 continuing appropriation, the amounts in the schedule for primary health services
4 for homeless individuals under s. 46.972 (2).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.435 (7) (ce) of the statutes is renumbered 20.143 (2) (fr) and
6 amended to read:

7 20.143 (2) (fr) *Services Mental health for homeless individuals.* The amounts
8 in the schedule for mental health services for homeless individuals under s. 46.972
9 (~~3~~) 560.9811.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 46.972 (title) of the statutes is amended to read:

11 **46.972 (title) Services Primary health for homeless individuals.**

12 **SECTION 4.** 46.972 (2) (title) of the statutes is repealed.

13 **SECTION 5.** 46.972 (2) of the statutes is renumbered 46.972.

14 **SECTION 6.** 46.972 (3) of the statutes is renumbered 560.9811 and amended to
15 read:


16 **560.9811 Mental health services.** (1) In this subsection section, “chronic
17 mental illness” has the meaning given in s. 51.01 (3g).

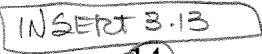
18 (2) From the appropriation under s. 20.435 (~~7~~) (~~ce~~) 20.143 (2) (fr), the
19 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying

1 public or nonprofit private entities for the costs of providing certain mental health
2 services to homeless individuals with chronic mental illness. Entities that receive
3 funds ~~allocated~~ awarded by the department under this subsection shall provide the
4 mental health services required under 42 USC 290cc–24. The amount that the
5 department ~~allocates~~ awards to an applying entity may not exceed 50% of the
6 amount of matching funds required under 42 USC 290cc–23.

7 **SECTION 9121. Nonstatutory provisions; health and family services.**

8 **(1) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS.**

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the department of health and family services primarily related to mental
11 health services for homeless individuals under section 46.972 (3) of the statutes, as
12 affected by this act, as determined by the secretary of administration, shall become
13  the assets and liabilities of the department of commerce.

14  ~~(a)~~ *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of health and family
16 services that is primarily related to mental health services for homeless individuals
17 under section 46.972 (3) of the statutes, as affected by this act, as determined by the
18 secretary of administration, is transferred to the department of commerce.

19 ~~(b)~~ *Contracts.* All contracts entered into by the department of health and family
20 services in effect on the effective date of this paragraph that are primarily related
21 to mental health services for homeless individuals under section 46.972 (3) of the
22 statutes, as affected by this act, as determined by the secretary of administration,
23 remain in effect and are transferred to the department of commerce. The department
24 of commerce shall carry out any obligations under such a contract until the contract

1 is modified or rescinded by the department of commerce to the extent allowed under
2 the contract.

3 ~~(3)~~ ~~(1)~~ *Rules and orders.* All rules promulgated by the department of health and
4 family services that are in effect on the effective date of this paragraph that are
5 primarily related to mental health services for homeless individuals under section
6 46.972 (3) of the statutes, as affected by this act, remain in effect until their specified
7 expiration date or until amended or repealed by the department of commerce. All
8 orders issued by the department of health and family services that are in effect on
9 the effective date of this paragraph that are primarily related to mental health
10 services for homeless individuals under section 46.972 (3) of the statutes, as affected
11 by this act, remain in effect until their specified expiration date or until modified or
12 rescinded by the department of commerce.

13 INSERT 4-12 —

(END)

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FROM THE
LEGISLATIVE REFERENCE BUREAU

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(b) *Position transfer.*

1. On the effective date of this subdivision, the authorized FTE positions for the department of health and family services, funded from the appropriation under section 20.435 (6) (m) of the statutes, are decreased by 1.0 PR-F position having responsibility for a program to provide mental health services to homeless individuals with chronic mental illness.

2. On the effective date of this subdivision, the authorized FTE positions for the department of commerce, funded from the appropriation under section of the statutes, are increased by 1.0 PR-F position having responsibility for a program to provide mental health services to homeless individuals with chronic mental illness.

3. On the effective date of this subdivision, the incumbent employee holding the position specified in subdivision 1. is transferred to the department of commerce.

~~#C~~ ~~(b)~~ *Employee status.* The employee transferred under paragraph 3. shall have all the same rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of commerce that he or she enjoyed in the department of health and family services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

INSERT 4-12

SECTION 9421. *Effective dates; health and family services.*

(1) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS. The treatment of sections 20.435 (5) (ce) and (7) (ce) 46.972 (title) and (3) of the statutes,

20.143 (2) (m)

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1 the repeal of section 46.972 (2) (title) of the statutes, the renumbering of section
2 46.972 (2) of the statutes, and SECTION 9121 (1) of this act take effect on July 1, 2005.
3

AUTOREFA



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0976/2

DAK:jld:rs

DOA:.....Rhodes, BB0271 - Transfer PATH Program to Department of
Commerce

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, DHFS administers a program to provide mental health services to homeless individuals with chronic mental illness. This bill transfers the program to the Department of Commerce.

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may allocate up to \$45,000 in general purpose revenues in each fiscal year, on a matching basis, to public or nonprofit private entities to provide mental health services specified under federal law to homeless individuals with chronic mental illness.

This bill transfers to the Department of Commerce the program under which general purpose revenues are allocated to provide mental health services to homeless individuals with chronic mental illness.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (5) (ce) of the statutes is amended to read:

2 20.435 (5) (ce) *Services Primary health for homeless individuals.* As a
3 continuing appropriation, the amounts in the schedule for primary health services
4 for homeless individuals under s. 46.972 (2).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.435 (7) (ce) of the statutes is renumbered 20.143 (2) (fr) and
6 amended to read:

7 20.143 (2) (fr) *Services Mental health for homeless individuals.* The amounts
8 in the schedule for mental health services for homeless individuals under s. 46.972
9 (3) 560.9811.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 46.972 (title) of the statutes is amended to read:

11 **46.972 (title) Services Primary health for homeless individuals.**

12 **SECTION 4.** 46.972 (2) (title) of the statutes is repealed.

13 **SECTION 5.** 46.972 (2) of the statutes is renumbered 46.972.

14 **SECTION 6.** 46.972 (3) of the statutes is renumbered 560.9811 and amended to
15 read:

16 **560.9811 Mental health services.** (1) In this subsection section, “chronic
17 mental illness” has the meaning given in s. 51.01 (3g).

18 (2) From the appropriation under s. ~~20.435 (7) (ce)~~ 20.143 (2) (fr), the
19 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying

1 public or nonprofit private entities for the costs of providing certain mental health
2 services to homeless individuals with chronic mental illness. Entities that receive
3 funds allocated awarded by the department under this subsection shall provide the
4 mental health services required under 42 USC 290cc-24. The amount that the
5 department allocates awards to an applying entity may not exceed 50% of the
6 amount of matching funds required under 42 USC 290cc-23.

7 **SECTION 9121. Nonstatutory provisions; health and family services.**

8 (1) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS.

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the department of health and family services primarily related to mental
11 health services for homeless individuals under section 46.972 (3) of the statutes, as
12 affected by this act, as determined by the secretary of administration, shall become
13 the assets and liabilities of the department of commerce.

14 (b) *Position transfer.*

15 1. On the effective date of this subdivision, the authorized FTE positions for the
16 department of health and family services, funded from the appropriation under
17 section 20.435 (6) (m) of the statutes, are decreased by 1.0 PR-F position having
18 responsibility for a program to provide mental health services to homeless
19 individuals with chronic mental illness.

20 2. On the effective date of this subdivision, the authorized FTE positions for the
21 department of commerce, funded from the appropriation under section 20.143 (2) (m)
22 of the statutes, are increased by 1.0 PR-F position having responsibility for a
23 program to provide mental health services to homeless individuals with chronic
24 mental illness.

1 3. On the effective date of this subdivision, the incumbent employee holding the
2 position specified in subdivision 1. is transferred to the department of commerce.

3 (c) *Employee status.* The employee transferred under paragraph (b) 3. shall
4 have all the same rights and the same status under subchapter V of chapter 111 and
5 chapter 230 of the statutes in the department of commerce that he or she enjoyed in
6 the department of health and family services immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of health and family
11 services that is primarily related to mental health services for homeless individuals
12 under section 46.972 (3) of the statutes, as affected by this act, as determined by the
13 secretary of administration, is transferred to the department of commerce.

14 (e) *Contracts.* All contracts entered into by the department of health and family
15 services in effect on the effective date of this paragraph that are primarily related
16 to mental health services for homeless individuals under section 46.972 (3) of the
17 statutes, as affected by this act, as determined by the secretary of administration,
18 remain in effect and are transferred to the department of commerce. The department
19 of commerce shall carry out any obligations under such a contract until the contract
20 is modified or rescinded by the department of commerce to the extent allowed under
21 the contract.

22 (f) *Rules and orders.* All rules promulgated by the department of health and
23 family services that are in effect on the effective date of this paragraph that are
24 primarily related to mental health services for homeless individuals under section
25 46.972 (3) of the statutes, as affected by this act, remain in effect until their specified

1 expiration date or until amended or repealed by the department of commerce. All
2 orders issued by the department of health and family services that are in effect on
3 the effective date of this paragraph that are primarily related to mental health
4 services for homeless individuals under section 46.972 (3) of the statutes, as affected
5 by this act, remain in effect until their specified expiration date or until modified or
6 rescinded by the department of commerce.

7 **SECTION 9421. Effective dates; health and family services.**

8 (1) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS. The
9 treatment of sections 20.435 (5) (ce) and (7) (ce) and 46.972 (title) and (3) of the
10 statutes, the repeal of section 46.972 (2) (title) of the statutes, the renumbering of
11 section 46.972 (2) of the statutes, and SECTION 9121 (1) of this act take effect on July
12 1, 2005.

13 (END)